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6512/C1-11-EJF

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Robert A. SCOTT, et al.

Application No.: 09/840,257

Examiner: Sow Fun Hon

Filed: April 23, 2001

Docket No.: 6512/C1-11-EJF

For: POLYVINYL ALCOHOL COMPOSITIONS

DECLARATION UNDER 37 C.F.R. §1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Xiongwei He hereby declare and state:

1. I am one of the named inventors in the above-captioned patent application.
2. I am a researcher for Capsugel and have many years experience in formulating capsule and film forming compositions.
3. We performed experiments to compare the performance of Example 1 in the specification of the patent application, which is within the scope of the claimed invention and the formula according to Example 2 of USPN 5,885,617.
4. A capsule dipping process was performed on both compositions using the same conditions.
5. As can be seen in the attached photographs, the composition according to USPN 5,885,617, after drying for over five minutes, did not set on the pins to create a good film formed capsule.
6. In contrast, as shown in the attached photographs, capsules made by a composition according to the claimed invention dried properly.
7. Accordingly, the claimed invention produces a film form capsule, whereas a composition according to USPN 5,885,617 does not.

8. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date:

*July 31, 2003*

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Xiongwei He